

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN ROUSE, a/k/a ABDUR RASHID
KHALIF,

Plaintiff,

v.

RON VAN BOENING, DENNIS
TABB, JOHN BARNES, LT.
BERSHAN, SHEIR POTIET, JANET
GAINES, MICHAEL HUGHES,
MICHAEL C. HINES, JEFFREY
SMITH, SGT. PEDERSON, and
ELDON VAIL,

Defendants.

NO. C09-5655 RBL/KLS

ORDER DENYING PLAINTIFF'S
REQUEST FOR STAY OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Before the court are Plaintiff's Motion to Dismiss Defendants' Dispositive Motion and Request for Stay of Defendants' Motion for Summary Judgment. ECF Nos. 71 and 73. Defendants' Motion for Summary Judgment was filed on November 3, 2010 and is noted for December 3, 2010. ECF No. 70. Plaintiff's response to the motion was due on or before November 29, 2010. Plaintiff has not filed a response. Instead, he requests that the summary judgment motion be dismissed or that the motion be stayed because Defendant Ron Van Boening failed to appear for his deposition. ECF No. 73.

Plaintiff's motion for default based on Defendant Van Boening's failure to appear for deposition (ECF No. 66) was denied and Defendants' Motion to Quash the Deposition of Van Boening (ECF No. 67) was granted by the court on November 17, 2010. ECF No. 72.

1 Therefore, Plaintiff's stated reasons for requesting a stay of the motion for summary judgment
2 are moot. As previously noted by the court, Mr. Rouse has not shown that a deposition of
3 Prison Superintendent Van Boening fits within the narrow exception to the rule that litigants
4 should ordinarily be required to depose those individuals with the most relevant knowledge of
5 the facts before taking the depositions of high ranking government officials. In addition, the
6 record reflects that Defendant Van Boening has no direct personal factual information
7 pertaining to the material issues in this case, and Mr. Rouse has not demonstrated the
8 necessity of deposing Mr. Van Buren or indicated what additional information he expects to
9 receive from Mr. Van Boening.

10 Accordingly, Plaintiff's request for dismissal or stay based on a need to depose
11 Defendant Van Boening (ECF Nos. 71 and 73) are **DENIED**. The Clerk shall send a copy of
12 this Order to Plaintiff and counsel for Defendants.

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14 **DATED** this 13th day of December, 2010.

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17 Karen L. Strombom
18 United States Magistrate Judge
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